

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Benjamin Petras

Plaintiff

V.

William Gittere, *et al.*,

Defendants

Case No. 2:23-cv-00592-GMN-BNW

ORDER

10 *Pro se* Plaintiff Benjamin Petras, an inmate in the custody of the Nevada Department of
11 Corrections (“NDOC”), has submitted a civil-rights complaint under 42 U.S.C. § 1983 and applied
12 to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The application to proceed *in forma pauperis* is
13 incomplete because Plaintiff did not include a financial certificate or six-month inmate trust fund
14 account statement for the previous six-month period with the application. *See* ECF No. 1.

15 The United States District Court for the District of Nevada must collect filing fees from
16 parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402,
17 which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any
18 person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed
19 *in forma pauperis.*” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status,
20 the inmate must submit **all three** of the following documents to the Court: (1) a completed
21 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s
22 approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial
23 Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the
24 inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund
25 account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev.
26 Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to
27 pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C.
28 § 1915(b).

Accordingly, for the reasons stated above,

IT IS THEREFORE ORDERED that Plaintiff has **until June 20, 2023** to either pay the full \$402 filing fee or complete his application to proceed *in forma pauperis* by filing a completed financial certificate that is signed both by the inmate and the prison or jail official and a copy of the inmate's trust fund account statement for the previous six-month period. Even if Plaintiff has not been at an NDOC facility for a full six-month period, he must still submit a financial certificate and an inmate account statement for the dates he has been in NDOC custody.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can either file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff Benjamin Petras the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain the complaint and exhibits (ECF No. 1-1) but not file them at this time.

DATED: April 20, 2023

Brenda Weksler